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U.S. Application No. 09/749,825 Art Unit 2614  
Response to May 6, 2005 Office Action

### REMARKS

In response to the final Office Action dated October 19, 2005, the Assignee respectfully requests reconsideration based on the following remarks. The Assignee makes no amendments to the claims and shows that the pending claims already distinguish over the cited documents.

The United States Patent and Trademark Office (the "Office") rejected claims 1, 3, 9, 30, and 36 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Claims 1-4, 15-20, 22-39, and 44-51 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent 6,005,861 to Humpleman in view of U.S. Patent 6,611,537 to Edens *et al.* Claims 5-14, 21, and 40-43 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Humpleman* in view of *Edens* and further in view of U.S. Patent 6,732,366 to Russo. The Assignee shows, however, that the pending claims fully comply with the written description requirement. Moreover, the Assignee shows the pending claims are not obviated by the cited documents. The Assignee thus respectively submits that the pending claims distinguish over the cited documents.

### Rejections under § 112

The Office rejected claims 1, 3, 9, 30, and 36 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. "To comply with the written description requirement ..., each claim limitation must be expressly, implicitly, or inherently supported in the originally filed disclosure." Department of Commerce, Manual of Patent Examining Procedure § 2163 (II) (3) (b) (Rev. 1, Feb. 2003) (hereinafter "M.P.E.P."). Examiner Shannon specifically asserts that claims 1, 3, 9, 30, and 36 each recite features not disclosed in the specification.

The Assignee respectfully disagrees. The Assignee strongly asserts that the written description requirement is completely satisfied. The passages cited below fully convey to one of

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ordinary skill in the art that the inventors had possession of the claims features. The Assignee, then, respectfully submits that the pending claims fully comply with the written description requirement of § 112, paragraph 1.

**1. Claims 1 and 30 satisfy § 112, first paragraph**

Independent claims 1 and 30 fully comport with the written description requirement. These independent claims similarly recite “*a demodulator coupled to another switch port of the plurality of switch ports of the data switch.*” Support for such features may be found at least at: page 6, line 20 through page 7, line 2; at page 10, lines 16-18; at page 12, lines 9-11; and at page 13, lines 4-20. The Assignee, then, strongly asserts that claims 1 and 30 fully comply with the written description requirement of § 112, paragraph 1.

**2. Claim 3 satisfies § 112, first paragraph**

Dependent claim 3 fully comports with the written description requirement. Dependent claim 3 recites “*wherein the shared communications link is a shared system bus.*” Support for such features may be found at least at: page 16, lines 11-13. The specification states “[i]n another embodiment, each tuner 121 is coupled to data switch/router 105 via a shared communications link, such as shared Ethernet communications link 145, or a shared system bus 135.” U.S. Application 09/749,825 at page 11, lines 11-13 (emphasis added). The Assignee, then, strongly asserts that claim 3 fully complies with the written description requirement of § 112, paragraph 1.

**3. Claim 9 satisfies § 112, first paragraph**

Dependent claim 9 fully comports with the written description requirement. Dependent claim 9 recites a “*first multimedia input coupled to the multiple tuners, wherein the first multimedia input is to receive a plurality of transmission signals.*” Support for such features may be found at least at: page 16, line 11 through page 17, line 11. The specification, for

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example, states “[t]uner/demodulator 102 can be coupled to one or more of a plurality of multimedia transmission systems, where each multimedia transmission system transmits a **plurality of transmission signals.**” U.S. Application 09/749,825 at page 11, lines 6-9 (emphasis added). “Accordingly, tuner/demodulator 102 can include a **plurality of tuners** and/or demodulators to isolate an information signal that is multiply multiplexed.” *Id.* at page 17, lines 9-11 (emphasis added). The Assignee, then, strongly asserts that claim 9 fully complies with the written description requirement of § 112, paragraph 1.

4. **Claim 36 satisfies § 112, first paragraph**

Independent claim 36 fully comports with the written description requirement. Independent claim 36 recites “*sending the first information signal to a digital data switch via a shared communications link between the data switch and the multiple tuners.*” Support for such features may be found at least at: page 13, lines 4-20. The specification, for example, includes the following passage:

Data switch 101 can receive a digital information signal from mass storage device 103, another digital information signal from tuner/demodulator 102, or a plurality of digital information signals from mass storage device 103 and/or tuner/demodulator 102. In an embodiment, a BMG 100 includes a **plurality of tuner/demodulators**, each of which can provide a digital information signal to data switch 101. In an embodiment, data switch 101 receives each digital information signal via a respective, dedicated switch port. For example, when mass storage device is capable of concurrently sending four information signals to switch 101, switch 101 can include four dedicated switch ports, where each dedicated switch port receives one information signal via a dedicated communications path. Moreover, when BMG 100 includes three tuner/demodulators, each tuner/demodulator can be coupled to a respective switch port of three switch ports of switch 101 such that each switch port receives one information signal. **In another embodiment, data switch 101 can include a switch port coupled to a shared bus, where the shared bus carries a plurality of information signals.** For example, dependant upon the data bandwidth requirements of the information signals and the data bandwidth capabilities of the shared bus and the switch port, the switch port may be able to receive four concurrent information signals.

U.S. Application 09/749,825 at page 13, lines 4-20 (emphasis added). The Assignee, then, strongly asserts that claim 36 fully complies with the written description requirement of § 112, paragraph 1.

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The evidence, then, fully supports the Assignee. The above passages fully convey to one of ordinary skill in the art that the inventors had possession of the claimed features. The Assignee, then, respectfully submits that the pending claims fully comply with the written description requirement of § 112, paragraph 1. Examiner Shannon is respectfully requested to remove the § 112 rejection.

**Rejection of Claims under 35 U.S.C. § 103 (a)**

Claims 1-4, 15-20, 22-39, and 44-51 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent 6,005,861 to Humpleman in view of U.S. Patent 6,611,537 to Edens *et al.* If the Office wishes to establish a *prima facie* case of obviousness, three criteria must be met: 1) combining prior art requires “some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill”; 2) there must be a reasonable expectation of success; and 3) all the claimed limitations must be taught or suggested by the prior art. DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2143 (orig. 8<sup>th</sup> Edition) (hereinafter “M.P.E.P.”).

Claims 1-4, 15-20, 22-39, and 44-51 are not obvious. Independent claims 1, 30, 36, and 48 each recite features not taught or suggested by the proposed combination of *Humpleman* and *Edens*. No where, for example, does the proposed combination of *Humpleman* and *Edens* disclose i) “a mass storage device coupled to a switch port,” 2) “a demodulator coupled to another switch port,” and 3) “a shared communications link to a third switch port of the data switch, the shared communications link shared amongst the multiple tuners, wherein the multiple tuners each share the communications link to communicate information to the third switch port” (emphasis added). Independent claim 1, for example, is reproduced below, and independent claims 30, 36, and 48 recite similar features.

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1. (Previously Presented) A system for providing digital entertainment data, the system comprising:

- a data switch having a plurality of switch ports;
- a mass storage device coupled to a switch port;
- multiple tuners each selecting a respective content item from a plurality of content items;
- a demodulator coupled to another switch port of the plurality of switch ports of the data switch; and
- a shared communications link to a third switch port of the data switch, the shared communications link shared amongst the multiple tuners, wherein the multiple tuners each share the communications link to communicate information to the third switch port.

*Humpleman* and *Edens* fails to obviate such features. The proposed combination of *Humpleman* and *Edens*, for example, fails to teach or suggest “a shared communications link to a third switch port of the data switch, the shared communications link shared amongst the multiple tuners” (emphasis added). Examiner Shannon is correct — FIG. 1 of *Edens* shows an FM tuner and a DSS tuner connected to a ring network. See also U.S. Patent 6,611,537 to *Edens et al.* at column 13, lines 56-61. Yet Examiner Shannon must understand that only the tuners connected to this ring network would “share” the ring topology. Because the network interface units of *Humpleman* are not connected to *Edens*’ ring network, the network interface units could not share this ring topology. Examiner Shannon’s proposed combination, then (even if physically possible) would only permit certain tuners to “share” a communications link. Antecedent basis dictates that “the shared communications link [is] shared amongst the multiple tuners,” not only certain tuners. Because the proposed combination of *Humpleman* and *Edens* fails to teach or suggest at least “a shared communications link to a third switch port of the data switch, the shared communications link shared amongst the multiple tuners,” one of ordinary skill in the art would not think the claims obvious. The *prima facie* case for obviousness must fail.

**Rejection of Claims 5-14, 21 & 40-43 under 35 U.S.C. § 103 (a)**

Claims 5-14, 21, and 40-43 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Humpleman* in view of *Edens* and further in view of U.S. Patent 6,732,366 to Russo. The

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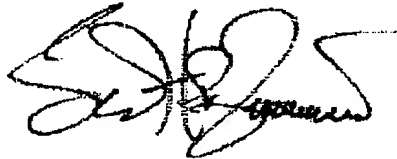
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proposed combination of *Humpleman, Edens, and Russo*, however, still fails to teach or suggest all the claimed features of the independent claims. No where, for example, does the proposed combination disclose i) "a mass storage device coupled to a switch port," 2) "a demodulator coupled to another switch port," and 3) "a shared communications link to a third switch port of the data switch, the shared communications link shared amongst the multiple tuners, wherein the multiple tuners each share the communications link to communicate information to the third switch port" (emphasis added). Because the proposed combination of *Humpleman, Edens, and Russo* is silent to at least this feature, one of ordinary skill in the art would not think the claims obvious. The *prima facie* case for obviousness must fail.

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If any questions arise, the Office is requested to contact the undersigned at (919) 387-6907 or [scott@wzpatents.com](mailto:scott@wzpatents.com).

Respectfully submitted,



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